IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition No. 121 of 2007 (S/B)

Ramji Lal s/o Shyamji Lal,
R/o 25, Nand Vihar Colony,
Tehsil & District Haridwar …… Petitioner

Versus

1. Additional Secretary,
   Rural Engineering Service and Panchayati Raj,
   Government of Uttarakhand, Dehradun.
2. P.K. Saxena, Executive Engineer,
   Rural Engineering Service, Tehri Division,
   Tehri Garhwal …… Respondents

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Sri S.N.Babulkar, Senior Counsel with Sri Vivek Shukla, Advocate for the petitioner.
Sri Subhash Upadhyaya, Brief Holder for respondent no.1.
Sri Alok Mehra, Advocate for respondent no. 2.

Coram: Hon'ble Rajeev Gupta, C.J.
Hon'ble J.C.S.Rawat, J.

RAJEEV GUPTA, C. J. (Oral)

Sri S.N.Babulkar, Senior Counsel with Sri Vivek Shukla, Advocate for the petitioner.

Sri Subhash Upadhyaya, Brief Holder for respondent no. 1.

Sri Alok Mehra, Advocate for respondent no. 2.

2. Sri S.N.Babulkar, the learned Senior Counsel for the petitioner, in reply to the query of the Court, specifically stated that the impugned order dated 13.04.2007 is not an order of transfer of the petitioner.

3. Sri Subhash Upadhyaya, the leaned Brief Holder for respondent no. 1 has raised a preliminary objection about the maintainability of the writ petition on the ground that the petitioner has an alternative efficacious remedy of filing a claim petition before the Public Services Tribunal for quashing the impugned order dated 13.04.2007.

4. Sri S.N.Babulkar, the learned Senior Counsel for the petitioner could not demonstrate as to how the alternative remedy of filing the claim petition before the Public Services Tribunal is not efficacious in the present case.

5. In this view of the matter and following the Division Bench decisions of this Court in the cases of **Bhuwan Chandra Pandey and others Vs. State of Uttaranchal and others** reported in **2006 (2) U.D. 439** and **Nanda Ballabh Pant Vs. State of Uttaranchal and others (W.P.No. 257 (S/B) 2005),** we decline to exercise our discretionary jurisdiction under Article 226 of the Constitution of India.

6. The writ petition, therefore, is dismissed with the liberty to the petitioner to avail the alternative remedy of filing a claim petition before the Public Service Tribunal.

(J.C.S.Rawat , J.) 13.06.2007

(Rajeev Gupta, C. J.) 13.06.2007

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